

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:22-MJ-290
)	
FRANCISCO BURGOS, JR.,)	<u>UNDER SEAL</u>
)	
<i>Defendant.</i>)	
_____)	

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND AN ARREST WARRANT**

I, Jeffrey F. Collins, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am employed as a Special Agent with U.S. Homeland Security Investigations (“HSI”), and I have been so employed since November 2010. I am currently assigned to the child exploitation investigations group of the HSI Office of the Special Agent in Charge, Washington, D.C. (“HSI DC”), and I have investigated crimes relating to child exploitation on the Internet since approximately January 2018. As part of my current duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, transportation, possession, and access with intent to view of child pornography, in violation of 18 U.S.C. §§ 2251(a) and 2252(a). I have received training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous examples of child pornography, as defined in 18 U.S.C. § 2256(8), including computer media. Through my experience and training, I can identify child pornography when I see it. I have training and experience in the enforcement

of the laws of the United States, including the preparation, presentation, and service of subpoenas, affidavits, criminal complaints, search warrants, and arrest warrants. As a federal agent, I am authorized to investigate violations of laws of the United States and, as a law enforcement officer, I am authorized to execute warrants issued under the authority of the United States.

2. The facts and information in this Affidavit are based upon information that I obtained during this investigation and information that has been provided to me by other law enforcement sources. Since this Affidavit is being submitted for the limited purpose of securing a complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for this application.

3. I submit this affidavit in support of a criminal complaint and arrest warrant charging FRANCISCO BURGOS, JR. ("BURGOS"), a resident of McLean, Virginia, which is within the Eastern District of Virginia, with the distribution of child pornography, in violation of 18 U.S.C. § 2252(a)(2)/(b)(1). For the reasons set forth below, I submit that probable cause exists to believe that in or about May 2020, BURGOS did knowingly distribute a visual depiction of a minor engaging in sexually explicit conduct that was transported or transmitted using any means or facility of interstate or foreign commerce. Specifically, BURGOS utilized his Motorola Moto G7 Power cell phone, which was manufactured in China, to distribute approximately two (2) videos depicting a minor engaged in sexually explicit conduct using the WhatsApp chat application via the Internet.

STATUTORY AUTHORITY AND DEFINITIONS

4. 18 U.S.C. § 2252(a)(2)/(b)(1) prohibits any person from knowingly receiving or distributing, or attempting to receive or distribute, any visual depiction using any means or facility of interstate or foreign commerce, or that has been mailed; or that has been shipped or transported in or affecting interstate or foreign commerce; or which contains materials which have been mailed or so shipped or transported, by any means including by computer, if the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct.

5. The term “minor,” as defined in 18 U.S.C. § 2256(1), means any person under the age of 18 years.

6. The term “sexually explicit conduct,” as defined in 18 U.S.C. § 2256(2)(A)(i)–(v), means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person.

7. The term “visual depiction,” as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

8. The term “child pornography,” as defined in 18 U.S.C. § 2256(8), is any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where (a) the production of the visual depiction involved the use of a

minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.

9. The term “child erotica,” as used herein, means materials or items that are sexually arousing to persons having a sexual interest in minors but that are not necessarily obscene or do not necessarily depict minors in sexually explicit poses or positions.

10. The term “computer,” as used herein, refers to “an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device” and includes smartphones, and mobile phones and devices. *See* 18 U.S.C. § 1030(e)(1).

11. IP Address: An Internet Protocol address (or simply “IP address”) is a unique numeric address used by computers on the Internet. An IP address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet computer must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.

BACKGROUND ON KIK MESSENGER

5. Kik Messenger, commonly referred to as Kik, is a smartphone messenger application available for download through Apple’s iOS App Store and the Google Play store on

most iOS (iPhone/iPod/and iPad) and Android (including Kindle Fire) devices. Kik uses the Internet to allow users to send and receive messages from other Kik users, including text, video, and picture messages. In addition to one-on-one messaging, Kik allows for the creation of chatrooms of up to 100 users per chatroom.

6. In general, providers like Kik ask each of their subscribers to provide certain personal identifying information when registering for an account. This information can include the subscriber's full name, physical address, and other identifiers such as an e-mail address. However, this information is not verified by Kik.

7. Kik typically retains certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account, and other log files that reflect usage of the account. Kik often has records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the account. In addition, generally Kik maintains at least the last 30 days of all communications for each Kik user and will produce these records when requested pursuant to a search warrant.

8. Kik offers users the ability to create an identity within the app referred to as a "username." This username is unique to the account and cannot be changed. No one else can utilize the same username. A Kik user would have to create a new account to obtain a different

username. The username for a particular Kik account holder is generally displayed in their Kik profile.

BACKGROUND ON WHATSAPP MESSENGER

9. WhatsApp Messenger, commonly referred to simply as WhatsApp, is a cross-platform mobile messaging application which allows a user to exchange messages without having to pay service fees for use. WhatsApp is available for use as an application on multiple mobile operating systems. WhatsApp does not use traditional cellular or wire communication lines for communications, but instead relies on internet access for communication. Users are required to subscribe to WhatsApp by using their mobile phone number and are able to operate the application in a manner consistent with traditional mobile telephone use. Upon subscription, the WhatsApp Messenger confirms subscription by transmitting a message to the subscriber's telephone number.

10. Specifically, the WhatsApp application allows its subscribers to communicate with other subscribers to the application or with subscribers to related third-party applications and websites using the following features: (1) instant messaging; (2) text, picture, video, and audio media messaging; (3) group chat; (4) status updates; and (5) geolocation sharing. WhatsApp also allows subscribers to store an address list of WhatsApp accounts. Additionally, WhatsApp maintains records of the WhatsApp groups of which a subscriber is a member, including the identification of other WhatsApp accounts in the group, the group's name, and any photograph associated with the group. Furthermore, WhatsApp maintains subscriber records for WhatsApp accounts, which may include the user's phone number and IP addresses used to access the account. WhatsApp may also maintain device information.

STATEMENT OF PROBABLE CAUSE

11. In or about June 2020, foreign law enforcement personnel from the Australian Federal Police (AFP) and Victorian Joint Anti Exploitation Team (JACET) executed a search warrant at the residence of an Australian citizen (hereinafter, “foreign suspect”), in Victoria, Australia, in furtherance of an investigation relating to the alleged sexual abuse of children and distribution of child pornography via the Kik chat application. As a result of the search warrant and law enforcement’s findings, the foreign suspect was charged with numerous child sex offenses under foreign law.

12. During the execution of the search warrant, AFP seized a Samsung cell phone from the foreign suspect and subsequently conducted a forensic extraction of its contents. A review of the forensic extraction indicated that the foreign suspect had communicated with numerous users, including ones believed to be residing within the U.S., via Kik regarding his sexual interest in children and had distributed and received numerous images and videos of child pornography to and from these users.

13. The AFP subsequently requested the assistance of HSI Attaché Canberra, Australia (“HSI Canberra”) regarding the U.S.-based Kik accounts, including Kik account “Snowman8519.”

14. The AFP also provided to HSI Canberra a transcript of the chats between the foreign suspect and the “Snowman8519” Kik account and associated child pornography that was traded between the users. The chats between the foreign suspect and the “Snowman8519” Kik account occurred between approximately May and June 2020. The following are selected excerpts of the AFP-provided chats:

DATE (DD/MM/YYYY)	KIK ACCOUNT	MESSAGE
25/05/2020 07:45:53 AM	FOREIGN SUSPECT	We should vid chat later

25/05/2020 07:49:28 AM	SNOWMAN8519	Okay kool
25/05/2020 07:49:47 AM	SNOWMAN8519	An image file with a Content ID ending in 3ca81 was sent by SNOWMAN8519. The AFP describes the image as depicting a female of unknown age lying on her stomach wearing a black underwear and bra.
25/05/2020 07:50:00 AM	FOREIGN SUSPECT	She is hot
25/05/2020 07:50:04 AM	SNOWMAN8519	[An image file with a Content ID ending in 03102 was sent by SNOWMAN8519. The AFP describes the image as depicting a female, approximately 14-16 years old, with long dark hair and dressed in blue/purple leggings and a grey crop top. The AFP also notes that the female is holding a mobile phone and appears to be taking a selfie in a mirror.]
25/05/2020 07:50:23 AM	FOREIGN SUSPECT	Get her to tell me ehat to do to my girl
25/05/2020 07:50:56 AM	SNOWMAN8519	She started talking to me she 13 turning 14 June
25/05/2020 07:51:17 AM	SNOWMAN8519	How
25/05/2020 07:51:41 AM	FOREIGN SUSPECT	What apps you got
25/05/2020 07:51:49 AM	SNOWMAN8519	Funny thing is she live 35 mins from me I'm loving it
25/05/2020 07:51:54 AM	FOREIGN SUSPECT	Mmm
25/05/2020 07:51:57 AM	SNOWMAN8519	This one
25/05/2020 07:52:05 AM	FOREIGN SUSPECT	She sent nudes
25/05/2020 07:52:10 AM	SNOWMAN8519	Meet her in group
25/05/2020 07:52:14 AM	FOREIGN SUSPECT	We can do vids
25/05/2020 07:52:18 AM	FOREIGN SUSPECT	What group
25/05/2020 07:52:41 AM	SNOWMAN8519	Working on it lol she just starting
25/05/2020 07:52:43 AM	FOREIGN SUSPECT	Get your step daughter to tell me what she wants to see me do to my daughter
25/05/2020 07:53:06 AM	SNOWMAN8519	Grandpa and teen
25/05/2020 07:53:10 AM	FOREIGN SUSPECT	I would love her to see my cock and know what she thinks
25/05/2020 07:53:16 AM	FOREIGN SUSPECT	That on here
25/05/2020 07:53:29 AM	SNOWMAN8519	Yeah

25/05/2020 07:53:54 AM	SNOWMAN8519	I got you
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25/05/2020 08:12:06 AM	SNOWMAN8519	Okay kool
25/05/2020 08:12:21 AM	SNOWMAN8519	Send all three of them
25/05/2020 08:12:27 AM	SNOWMAN8519	Wat they wearing
25/05/2020 08:12:44 AM	FOREIGN SUSPECT	Girl in leggings and tshirt
25/05/2020 08:12:55 AM	FOREIGN SUSPECT	Boys in track pants
25/05/2020 08:13:05 AM	FOREIGN SUSPECT	They going to shower soon
25/05/2020 08:13:45 AM	SNOWMAN8519	Mmmm
25/05/2020 08:14:05 AM	SNOWMAN8519	Go in shower with girls
25/05/2020 08:14:10 AM	FOREIGN SUSPECT	I am going to ask daughter if daddy can shower with her
25/05/2020 08:14:36 AM	SNOWMAN8519	Okay kool
25/05/2020 08:14:42 AM	SNOWMAN8519	Mmmmm
25/05/2020 08:14:45 AM	FOREIGN SUSPECT	Ill try vid it
25/05/2020 08:14:55 AM	FOREIGN SUSPECT	Ill go hard i think
25/05/2020 08:14:55 AM	SNOWMAN8519	I love you
25/05/2020 08:15:18 AM	SNOWMAN8519	Yeah super hard
25/05/2020 08:15:54 AM	FOREIGN SUSPECT	Had my oldest come in my room snd show me his hard cock, he saw me hard yesterday and asked why mines so big so told him show me his
25/05/2020 08:16:08 AM	FOREIGN SUSPECT	Its suck a great cock
25/05/2020 08:17:34 AM	FOREIGN SUSPECT	Such not suck
25/05/2020 08:18:12 AM	SNOWMAN8519	Mmmm should have grabbed his cock and looked him in the eyes and suck it dye
25/05/2020 08:18:18 AM	SNOWMAN8519	Dry
25/05/2020 08:18:49 AM	FOREIGN SUSPECT	When he come in i was just in jocks, he watched my cock get hard and stick out top of jocks
25/05/2020 08:18:52 AM	SNOWMAN8519	While grabbing his ass
25/05/2020 08:19:11 AM	SNOWMAN8519	Mmmmm
25/05/2020 08:19:34 AM	FOREIGN SUSPECT	I told him to rub it and he said how. So i grabbex his cock amd stroked it for about min
25/05/2020 08:19:37 AM	SNOWMAN8519	Wish he suck you off
25/05/2020 08:19:43 AM	FOREIGN SUSPECT	Soon
25/05/2020 08:20:09 AM	SNOWMAN8519	Mmmmm good daddy

25/05/2020 04:16:54 PM	FOREIGN SUSPECT	Where you step daughter
25/05/2020 04:27:23 PM	SNOWMAN8519	She is out with her mom
25/05/2020 04:27:30 PM	FOREIGN SUSPECT	Ok
25/05/2020 04:27:42 PM	SNOWMAN8519	Send video of daughter
25/05/2020 04:28:08 PM	SNOWMAN8519	You was post to send last night after you talked to my daughter
25/05/2020 04:30:10 PM	FOREIGN SUSPECT	[A video file with a Content ID ending in 960c3 was sent by the Foreign Suspect. The AFP describes this video as approximately 35 seconds in length and depicting an adult male masturbating and ejaculating over the buttocks of an identified female minor that was approximately 5 years old at the time of the creation of the video. The AFP notes that the video zooms in to focus on the semen on the minor's buttocks. The AFP notes further that adult male's face is depicted, or at least partially depicted, at the end of the video, and that the male's face is consistent with that of the Foreign Suspect.]
25/05/2020 04:32:35 PM	FOREIGN SUSPECT	[A video file with a Content ID ending in 5cb4c was sent by the Foreign Suspect. The AFP describes this video as approximately 4 seconds in length and depicting an adult male with his face in the buttocks of the same identified minor female while the minor is lying on her stomach. The AFP notes that portions of the adult male depicted in the video are again consistent with the Foreign Suspect.]
25/05/2020 04:35:52 PM	SNOWMAN8519	Fuck yeah
25/05/2020 04:35:59 PM	SNOWMAN8519	Stick it in
25/05/2020 04:36:41 PM	FOREIGN SUSPECT	No hope getting it in csn barely get finger
25/05/2020 04:38:35 PM	SNOWMAN8519	Get her ass really juicy wet then slide in or get son to open her up a little
25/05/2020 04:38:42 PM	SNOWMAN8519	Mmmm
25/05/2020 04:39:38 PM	FOREIGN SUSPECT	Need son to
25/05/2020 04:39:51 PM	SNOWMAN8519	Yes

25/05/2020 04:40:09 PM	FOREIGN SUSPECT	Be hit watching to
25/05/2020 04:40:13 PM	FOREIGN SUSPECT	Hot
25/05/2020 04:40:23 PM	SNOWMAN8519	Yes fucking hot
25/05/2020 04:40:42 PM	FOREIGN SUSPECT	Get 9 yr old to then 11 yr old
25/05/2020 04:41:04 PM	SNOWMAN8519	Yeah perfect
25/05/2020 04:41:26 PM	SNOWMAN8519	Can wait for him to bring girls home
25/05/2020 04:53:28 PM	FOREIGN SUSPECT	No be hot then

30/05/2020 08:40:51 AM	SNOWMAN8519	Wat up
30/05/2020 08:42:34 AM	FOREIGN SUSPECT	Hey mate
30/05/2020 08:43:20 AM	SNOWMAN8519	Wyd
30/05/2020 08:43:40 AM	SNOWMAN8519	Been couple days missed yall
30/05/2020 08:44:30 AM	FOREIGN SUSPECT	Not much chilling now
30/05/2020 08:45:07 AM	SNOWMAN8519	Wat the kids up too
30/05/2020 08:45:57 AM	FOREIGN SUSPECT	Not much
30/05/2020 08:46:59 AM	SNOWMAN8519	Everything good bro
30/05/2020 08:50:00 AM	FOREIGN SUSPECT	Yes All good here
30/05/2020 08:50:21 AM	FOREIGN SUSPECT	Who was that vid you posted of
30/05/2020 08:51:44 AM	SNOWMAN8519	When
30/05/2020 08:52:08 AM	FOREIGN SUSPECT	Biut 30 mins ago you ttook it down
30/05/2020 08:54:33 AM	SNOWMAN8519	This one
30/05/2020 08:54:35 AM	SNOWMAN8519	[A video file with a Content ID ending in cb1bc was sent by SNOWMAN8519. The AFP describes the video as approximately 11 seconds in length and consisting of the close up depiction of an adult inserting a finger into the vagina of a female infant.]
30/05/2020 08:55:14 AM	SNOWMAN8519	Friends daughter she tasted so good
30/05/2020 08:55:33 AM	SNOWMAN8519	Send me daughter I miss her
30/05/2020 09:09:29 AM	FOREIGN SUSPECT	Soon

15. In September 2020, HSI Canberra issued a DHS summons to Kik requesting subscriber and IP information regarding the “Snowman8519” account. Kik replied to the summons with the following information, in summary:

First Name: nothingmuch
Last Name: h
Email: francsicoburgosjr@gmail.com (confirmed)
Username: snowman8519
Userlocation: US (ip: 24.2.245.79)
Registration Timestamp: October 21, 2019 09:22:06 AM UTC

16. Kik also included a log of IP addresses used to access the “Snowman8519” account, including IP address 173.66.108.068, which was used on several occasions between August and September 2020, as well as IP address 24.2.245.79, which was the last IP logged as accessing the account in September 2020.

17. Using publicly available tools, IP address 24.2.245.79 was identified to be leased by Comcast Cable Communications, LLC (hereafter, “Comcast”) and geolocated to the greater Boston, Massachusetts market area. HSI Canberra, via the HSI Cyber Crimes Center, subsequently referred the investigation to HSI Springfield, Massachusetts (“HSI Springfield”) for further action.

18. HSI Springfield issued a DHS summons to Comcast for subscriber information related to IP address 24.2.245.79. Comcast records identified the subscriber at a residence in Springfield, Massachusetts.

19. IP address 173.66.108.068 was identified as belonging to Verizon Business, the provider for Verizon FIOS (hereinafter, “Verizon”). HSI Springfield issued a DHS summons to Verizon for subscriber information related to IP address 173.66.108.068. Verizon records identified the subscriber as an individual at a residence in Herndon, Virginia. Law enforcement and government databases later identified this individual as BURGOS’s brother-in-law.

20. During its investigation, HSI Springfield determined the suspected user of the “Snowman8519” Kik account did not reside in the greater Springfield, Massachusetts area, but rather resides in the Northern Virginia area. Specifically, law enforcement and open-source databases identified seemingly no connection between BURGOS and the Springfield, MA area.

21. An HSI Springfield Special Agent subsequently sought and was granted a search warrant in the District of Massachusetts for the “franciscoburgosjr@gmail.com” Google Gmail account utilized to register the “Snowman8519” Kik account. Google records identified the subscriber as Francisco BURGOS, Jr. with sign-in and recovery phone numbers as (571) 435-6086 (hereinafter, “Subject Telephone Number”).

22. A review of the search warrant return provided several emails with BURGOS’s resume attached. The resumes identified the Subject Telephone Number as BURGOS’s phone number and included an address in Centerville, Virginia (hereinafter, “the Centerville, Virginia residence”). Open-source queries identified the Centerville, Virginia residence as the residence of BURGOS’s apparent girlfriend.

23. The Subject Telephone Number was determined to be serviced by T-Mobile, US, hereinafter, “T-Mobile.” In April 2021, I issued a DHS summons to T-Mobile, requesting subscriber information for the Subject Telephone Number. T-Mobile provided the following subscriber information, in part:

Subscriber Name: Francisco BURGOS, Jr.
Subscriber Address: 0000 Homeric Ct, McLean, VA 22101 (hereinafter, “the McLean, Virginia residence”)
Subscriber Status: Active
Subscriber Name Effective Date: 08/31/2019
International Mobile Subscriber Identity (IMSI): 310260231086670
International Mobile Equipment Identity (IMEI): 359528091569092

24. In April 2022, I issued an additional summons to T-Mobile, requesting updated subscriber information for the Subject Telephone Number. T-Mobile records indicated no change to the subscriber information and indicated the account was still active, with the same device IMEI.

25. In May 2021, I conducted surveillance of the McLean, Virginia residence. At this time, the residence was undergoing significant renovations and was not occupied. I subsequently conducted surveillance of the Herndon, Virginia address and observed a Lexus GS350 bearing Virginia license plates XXX-0000 parked in the parking lot in front of the residence. Virginia Department of Motor Vehicle (DMV) records indicated this vehicle is registered to BURGOS's sister and brother-in-law at the McLean, Virginia residence. Based on the extensive renovations of the McLean, Virginia residence, it appeared the Herndon, Virginia residence was a temporary residence for the couple. As of February 2022, numerous surveillance operations have identified that couple have since moved back to the McLean, Virginia residence.

26. In May 2022, I conducted surveillance at the Centerville, Virginia residence. During this surveillance, I observed a Honda Civic bearing Virginia license plates XXX-0000 parked in the parking lot of the complex, in the immediate vicinity of the Centerville, Virginia residence. Virginia DMV records indicate this vehicle is registered to BURGOS's girlfriend's mother at the Centerville, Virginia residence. A query of law enforcement databases identified that on or about March 22, 2020, BURGOS filed a report with the Fairfax County, VA Police Department, regarding the tampering with and burglary of items from this vehicle while it was parked in front of the McLean, Virginia residence in which identified this vehicle as his. On or about March 24, 2020, BURGOS's girlfriend followed-up with the Fairfax County Police

Department to identify the items that were taken from this vehicle. During this report, she referred to BURGOS as her boyfriend.

Overlay Search Warrant Issued To Access AFP-Provided Digital Extraction

27. In May 2022, the AFP provided me with a duplicate copy of the digital forensic extraction of the foreign suspect's Samsung cell phone.

28. On or about June 30, 2022, I sought and was granted a search and seizure warrant in the Eastern District of Virginia to access the digital forensic extraction and subsequently reviewed the contents of the extraction.

29. In my review, I was able to locate the AFP-referenced chats and media, including child pornography files traded between the foreign suspect and the "snowman8519" Kik account believed to be used by BURGOS. Based on my review, the description of the child pornography files described by AFP appears to be an accurate description of the files.

GPS Ping Order Issued For Burgos's Cell Phone

30. Between May and August 2022, I conducted numerous surveillance operations at the McLean, Virginia and Centerville, Virginia residences. In May 2022, I observed a male subject possibly matching BURGOS's likeness standing in front of the McLean, Virginia residence and entered a vehicle that picked him up from the front of the residence. I was ultimately unable to confirm the identity of this subject.

31. Additional surveillance operations at the McLean, Virginia and Centerville, Virginia residences were unsuccessful in locating BURGOS at the residence.

32. Between May and August 2022, I conducted several surveillance operations at the Centerville, Virginia residence. I was unsuccessful in locating BURGOS at the Centerville, Virginia residence.

33. In August 2022, I sought and was issued a GPS Ping Order in the Eastern District of Virginia for the cell phone assigned the Subject Telephone Number believed to belong to BURGOS.

34. Based on the GPS pings obtained from the Ping Order, it appeared BURGOS was staying at the Extended Stay America, Washington, D.C. – Chantilly, hereinafter “Extended Stay,” located at 4504 Brookfield Corporate Drive, Chantilly, Virginia 20151, in the Eastern District of Virginia.

35. On or about August 24, 2022, myself and another HSI Special Agent issued a summons to the Extended Stay, requesting guest records for BURGOS. The on-duty manager at the time searched for BURGOS’s name as a registered guest and advised BURGOS is not registered as a guest at the property. The on-duty manager also advised she was only able to search for guests by name or confirmation number, and not by telephone number.

Surveillance Of Burgos And Search Warrant Executed At Burgos’s Extended Stay Hotel Room

36. On or about September 2, 2022, HSI Special Agents conducted surveillance at the Extended Stay. At approximately 06:49 a.m., I observed the Honda Civic bearing Virginia license plates XXX-0000 parked in the parking lot of the Extended Stay.

37. At approximately 08:43 a.m., agents observed a male subject matching BURGOS’s likeness walk around the rear of the Extended Stay, towards the intersection of Brookfield Corporate Dr. and Daly Dr., Chantilly, VA. As this subject walked directly in front of my vehicle, I observed a tattoo on the right side of his neck, matching the location of one of BURGOS’s known tattoos. The subject had a cigarette in his right hand and was holding what appeared to be a cell phone in his left hand.

38. Immediately thereafter, I placed a blocked phone call to the Subject Telephone Number. As the phone rang, I watched the male subject look at his left hand, as if to acknowledge an incoming call to the cell phone, but he did not answer the incoming call.

39. Agents continued surveillance and observed the subject walk through the parking lot of the Dulles Expo Center, where he entered the rear roll-up door of the Interior Logic Group Property Services, in Chantilly, VA 20151. Virginia Employment Commission (VEC) records indicate that in the first two quarters of 2022¹, BURGOS was employed by Criterion Supply, Inc., with a trade name of Interior Logic Group Property Services.

40. Additionally, a review of the GPS pings of the device indicated that on September 2, 2022, from approximately 12:08:02 a.m. until 08:38:05 a.m., the device pinged in the immediate area of the Extended Stay. At approximately 08:53:02 a.m., the next available ping, the device pinged in the middle of the Dulles Expo Center parking lot. At approximately 09:08:03, the device pinged in the commercial building where BURGOS's work is located. These pings appear to be consistent with what agents observed, further corroborating my belief that this subject was BURGOS.

41. On or about September 2, 2022, I issued a DHS summons to the Extended Stay, this time requesting guest records for BURGOS's girlfriend. Extended Stay records indicated that she registered as a primary guest on or about April 8, 2022, and has a check-out date scheduled for November 30, 2022. Extended Stay records indicate the number of guests registered for this room is "2," however, they did not have any information on the 2nd guest. Extended Stay records further indicate BURGOS's girlfriend was occupying Room 172.

¹ VEC wages records are reported quarterly. The most recent VEC wages information available for BURGOS is Quarter 2 of 2022.

42. On or about September 8, 2022, a search and seizure warrant was issued in the Eastern District of Virginia, authorizing the search of BURGOS's Extended Stay room, room number 172. On or about September 9, 2022, HSI special agents executed the search warrant and encountered BURGOS as the sole occupant of the room.

43. BURGOS agreed to participate in a voluntary interview with me and another HSI special agent. I read BURGOS his *Miranda* warnings from a pre-printed form, and BURGOS indicated he understood his rights and was willing to speak with agents. In part, BURGOS identified his email address as "francsicoburgosjr@gmail.com" and pointed out "Francisco" was misspelled in the email address. BURGOS also identified his phone number as the Subject Telephone Number and said his current cell phone is a "Motorola G Play or Play G."

44. When asked about his use of the Kik Messenger application, BURGOS said he previously used Kik, "a long time ago" and that his username would have been "Frankie B" or something similar. I asked BURGOS if he remembers using "Snowman8519," and BURGOS said, "If it has 85, it's probably me." When asked if he remembers using this account, and BURGOS answered, "a long time ago, yes." I confirmed if this was BURGOS's Kik account, and BURGOS answered, "Yeah." BURGOS said he was the only person who had control of the "Snowman8519" Kik account.

45. BURGOS said he does not receive sexual pleasure from viewing child pornography and child sexual abuse material and, "I never sent anything of my family, or anything like that. But if I did send him something [child pornography] it came from another person that was in the chat and never was anything of me or my family [...]." I described to BURGOS several of the excerpts from the Kik chats between him and the foreign suspect. I described a segment of the chat in which BURGOS shared an image of a clothed, minor female

subject taking a “selfie” in a mirror and asked him if he remembers sending this image and associated messages. BURGOS answered, “No, but it sounds like something I’d [do].”

BURGOS continued, saying that he did not take any of the images but forwarded them from other messages.

46. I seized four (4) electronic devices from BURGOS’s Extended Stay room:

Item 001 – Motorola G Play Cell Phone, IMEI: 355566110841880

Item 002 – Motorola Moto G7 Power Cell Phone, IMEI: 359528091569092

Item 003 – Sandisk Ultra 2 8GB SD Card

Item 004 – Sandisk Ultra 2 8GB SD Card

Preliminary Review of Item 002

47. A HSI Computer Forensic Agent (CFA) conducted a forensic image of Item 002 and provided me with a portable case to review the contents of the forensic image. In my review of the portable case, I discovered numerous files depicting child pornography. Two (2) of the videos are described below:

Title: VID-20200521-WA0002.mp4

Last Modified Date/Time: 5/21/2020 9:14:13 AM

File Path:

Recovery Method: Parsing

Description: This video is approximately nine minutes and nineteen seconds in length and depicts a fully nude pre-pubescent minor female (“MF1”) kneeling on her arms and knees on what appears to be a bed with a green sheet. MF1’s vagina and anus are fully exposed and visible to the camera. MF1 does not have any pubic hair, hip development, or breast development. An adult female is observed rubbing her hands on the MF1’s buttocks and legs, before MF1 climbs off. A second pre-pubescent minor female (“MF2”) then climbs on the table wearing only a pair of white underwear and lies on her back. The same adult female subject is observed inserting her right hand into MF2’s underwear and appears to rub MF2’s pubic area. Later in the video, the adult female removes MF2’s underwear, rubs her hand on MF2’s vagina, and performs oral sex on MF2’s vagina. At approximately the 7:30 minute mark, MF2 turns over and kneels on the bed, with her exposed vagina and anus visible to the camera. MF2 does not have any pubic hair, hip development, or breast development. MF1 performs oral sex on MF2, while the adult female appears to rub MF1’s buttocks.

Title: VID-20200521-WA0004.mp4

Last Modified Date/Time: 5/21/2020 9:28:31 AM

File Path:

Recovery Method: Parsing

Description: This video is approximately forty-two (42) seconds in length and depicts a fully nude adult male inserting and thrusting his visibly erect penis in the anus of what appears to be, based on their small stature and lack of hip development, a minor subject, on the floor of vehicle.

48. Both of these videos were saved in the “[...]WhatsApp\Media\WhatsApp Video\Sent” file path on the device. Based on conversations I have had with HSI CFAs, as well as WhatsApp’s own Help Center webpage², I have learned that on Android devices, media files are automatically saved in the “WhatsApp\Media” folder. Because the file path on both of these videos were located in the “WhatsApp\Media\WhatsApp Video\Sent” folder, I have probable cause to believe BURGOS that sent, *i.e.*, distributed, these videos to unknown person(s) using the WhatsApp application.

49. The portable case reported the following user accounts associated with Item 002: “francicoburgosjr@gmail.com” and “bfrancsico78@gmail.com.” The “francicoburgosjr@gmail.com” email address is the same email address BURGOS provided to me during the interview. Additionally, I discovered numerous selfie-style images and videos of BURGOS saved within the device, furthering my belief that this device belongs, or belonged to, BURGOS.

50. This device was manufactured in China.

² https://faq.whatsapp.com/259384915468783/?locale=en_US

CONCLUSION

51. Based on the foregoing, I submit that there is probable cause to believe that in or about May 2020, FRANCISCO BURGOS, JR., knowingly distributed a visual depiction of a minor engaged in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(2) and (b)(1), and I respectfully request that a criminal complaint and arrest warrant be issued for BURGOS.

Respectfully submitted,

**JEFFREY F
COLLINS** Digitally signed by
JEFFREY F COLLINS
Date: 2022.10.19
16:58:08 -04'00'

Jeffrey F. Collins, Special Agent
Homeland Security Investigations

Respectfully submitted and attested to in accordance with the requirements of Fed. R. Crim. P. 41 via telephone on October 20, 2022

John F. Anderson Digitally signed by John F.
Anderson
Date: 2022.10.20 15:46:38 -04'00'

The Honorable John F. Anderson
United States Magistrate Judge